

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

LEWIS JOHN,

Plaintiff,

v.

DEPUTY CLARK C. BERRY, *et al*,

Defendants.

Case No. C05-5694RJB

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$250.00 or file a proper application to proceed *in forma pauperis*.

On October 20, 2005, the clerk received plaintiff's complaint and application to proceed *in forma pauperis*. (Dkt. #1). On October 25, 2005, the clerk sent plaintiff a letter informing him that he must submit his prison trust account statement showing transactions in his prison trust account for the past six months by November 25, 2005, or this matter could be subject to dismissal. (Dkt. #2). Plaintiff has since corrected that deficiency. (Dkt. #3 and #4). His application, however, contains additional deficiencies.

1 Local Rule CR 3(b) provides in relevant part:

2 At the time application is made under 28 U.S.C. § 1915 or other applicable acts of  
3 Congress, for leave to commence any civil action or to file any petition or motion without  
4 being required to prepay fees and costs or give security for them, each petitioner, movant  
5 or plaintiff shall:

- 6 (1) Complete the in forma pauperis affidavit approved for use in this district; and  
7 (2) File a written consent that the recovery, if any, in the action, to such amount as  
8 the court may direct, shall be paid to the clerk who may pay therefrom all unpaid fees and  
9 costs taxed against the plaintiff, and to his attorney the amount which the court allows or  
10 approves as compensation for the attorney's services.

11 Plaintiff has not submitted the written consent required by Local Rule CR 3(b)(2). Further, while plaintiff  
12 signed the application form he submitted in late October 2005, he did not date his signature.

13 Accordingly, this court orders the following:

- 14 (1) Plaintiff shall seek to cure these deficiencies by filing **no later than January 5, 2006**, (a) a  
15 copy of the written consent required by Local Rule CR 3(b); and (b) filing a new copy of his  
16 *in forma pauperis* application form containing a dated signature.

17 **Failure to cure these deficiencies by the above date shall be deemed a failure to**  
18 **properly prosecute this matter and the court will recommend dismissal of this matter.**

- 19 (2) The clerk is directed to send a copy of this Order to plaintiff along with the appropriate  
20 written consent form and *in forma pauperis* application form.

21 DATED this 5th day of December, 2005.

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Karen L. Strombom  
United States Magistrate Judge